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Testimony by Jennifer Darrah-Okike, Ph.D., to Honolulu County Council Regarding Proposed Ordinances related to Sit-Lie Bans in Honolulu

Mahalo for your hard work and careful consideration of important policy questions facing Honolulu. I am offering my testimony as a resident of Honolulu and an expert on housing policy and urban sociology.

Background and Qualifications:

I received my Ph.D. in Sociology from Brown University in 2010 and also received post-doctoral training in Housing Policy at Johns Hopkins University. Since then, I have conducted research on urban issues in Honolulu and in other U.S. metropolitan areas. I teach courses in housing and urban sociology at the University of Hawai'i at Mānoa, where I am an Assistant Professor of Sociology and a Faculty Affiliate of the Department of Urban and Regional planning. I have published research on a range of housing and urban issues in Honolulu and elsewhere.

Testimony:

I urge the Honolulu County Council to avoid expanding Honolulu's restrictions on sitting and lying on public sidewalks as proposed in Bills 83, 87 and 88. These "sit lie bans" are counter-productive to the goals of solving homelessness for the reasons outlined below.

Moreover, these ordinances raise serious risks of constitutional violations and risks of costly lawsuits. The city already spent considerable money on a lawsuit brought by the ACLU against its enforcement of stored property and sidewalk nuisance ordinances. Sit-Lie bans criminalize basic acts of living and risk violating civil rights, especially in the absence of adequate shelter space and given existing restrictions on shelter access.

Better Solutions:

It is understandable that the Council wants to take action to address visible chronic homelessness. However, the best way to do this is for the Council to support *proven* and *positive durable solutions to homelessness*. These include 1) Housing First programs and policies; 2) emergency rental assistance, to support families at risk of eviction or loss of housing, and rapid rehousing initiatives; 3) funding for assistance for low-income renters (in the form of vouchers, for example); 4) supports for increasing the supply of affordable housing—including funding to construct low-income rental housing as well as inclusionary zoning requirements to support the construction of workforce housing; and 5) resources to fund shelters, especially those allowing 24-hour access, as well as the associated social work and social support services.

The council also should take a strong leadership role by improving the city's capacity to spend federal and other funds allocated to Honolulu for affordable housing. This is especially pressing in light of the city's failure to spend millions in funding that could have been used to support affordable housing. I urge the Council to put its resources into solving problems that led to the city forfeiting \$2.4 million in HUD funding for failure to spend these allocations in a timely manner (as reported in the Star Advertiser (editorial 10/2/17)).

How City Ordinances Targeting the Homeless—such as sit lie ban expansions proposed in Bills 83, 87 and 99--Prove Counterproductive:

Federal agencies such as the Department of Justice and the Interagency Council on Homelessness have criticized laws that criminalize “acts of living,” such as those being considered today by the Honolulu County Council. Research shows that sit-lie bans do not offer meaningful solutions to homelessness, and they can actually make the problem worse in the following ways:

- **By increasing financial insecurity.** Economic need is a well-recognized cause of homelessness, and official citations or fines can exacerbate financial instability among those without permanent housing. What is more, when city officials enforce anti-homeless ordinances by confiscating property, already struggling households must expend scarce resources to replace food, clothing, medicines, work supplies or household goods.
- **By limiting access to jobs, services, and social support.** Citations may lead to warrants or create criminal records, prompting cycles of criminalization. Moreover, studies have documented that these citations and fines can hinder access to employment and social services. Restrictions on activity in public spaces, especially in downtown areas, can prevent access to services, employment or educational opportunities. And when anti-homeless policies involve forced relocations, they can disrupt social support networks.
- **By promoting stigmatization.** Quality of life laws are often motivated by negative stereotypes and have been found to promote public stigmatization of unsheltered families. They can also heighten mistrust of public officials and service providers by people in need of their support.
- **By threatening civil liberties and raising legal liabilities:** The threats to civil liberties and protected constitutional rights raised in the ordinances are significant. Honolulu should spend its resources on durable solutions rather than costly lawsuits. Taxpayers’ money has already been spent on a previous settlement related to possible violations of civil rights resulting from enforcement of ordinances that targeted unsheltered households. The city should instead channel resources to durable solutions.